

### REMARKS

This Amendment responds to the Office Action dated April 7, 2005 in which the Examiner rejected claims 1-2 and 4-13 under 35 U.S.C. §102(b) and stated that claims 14-18 are allowed.

As indicated above, claims 1, 4, 5, 8, 10 and 12 have been amended to make explicit what is implicit in the claims. The amendment is unrelated to a statutory requirement for patentability.

Claim 1 claims an image processing device and claim 4 claims an image processing method for processing images which are recorded in a recording medium. The device comprises commanding different types of processing to be executed for the image by an indicator. Rank data is set up by a controller in accordance with a number of times the different types of processing is commanded by the indicator. A deletion directional member directs deletion of an image recorded in the image recording medium. A compressor compresses the image instead of deleting the image when the deletion of the image is directed. Finally, the compressed image is stored.

Through the structure and method of the claimed invention a) setting up rank data in accordance with the number of times different types of processing is commanded and b) compressing an image instead of deleting an image when deletion of the image is directed as claimed in claims 1 and 4, the claimed invention provides an image processing device and method in which an image which is to be deleted is compressed rather than deleted so that an incorrect operation of the delete button prevents the image from being completely erased. The prior art does not show, teach or suggest the invention as claimed in claims 1 and 4.

Claim 5 claims an image processing device and claim 8 claims an image processing method for processing images which are recorded in a recording medium. The device comprises commanding different types of processing to be executed for the image by an indicator. A recorder records a time when the indicator commands the different types of processing. A timer measures an elapsed time since the recorder recorded. A controller changes the compression rate, which is set based upon rank for the image data, based on output from the timer or the measured elapsed time and date. The rank is set in accordance with the number of times the different types of processing is commanded.

Through the structure and method of the claimed invention a) setting a compression rate based upon rank for an image where rank is set in accordance with the number of times different types of processing is commanded and b) changing the compression rate based upon elapsed time since an indicator commanded the different types of processing as claimed in claims 5 and 8, the claimed invention provides an image processing device and method which allows the compression rate to be altered in accordance with rank of the image based on history data while decreasing file size. The prior art does not show, teach or suggest the invention as claimed in claims 5 and 8.

Claim 10 claims an image processing device and claim 12 claims an image processing method for processing images which are recorded in a recording medium. The device comprises commanding different types of processing to be executed for an image by an indicator. A controller sets up a rank value based upon a number of times the different types of processing is to be executed for the image. A recorder records a time when the indicator commands the different types of

processing. A timer measures an elapsed time since the time when the processing was commanded. A detector detects that the indicator gives no command for a predetermined time or more based upon the output from the timer. The controller sets a lower rank value when no command is given for the image for a predetermined time or more.

Through the structure and method of the claimed invention a) setting up a rank value based upon the number of times different types of processing is to be executed for the image, and b) lowering the rank value when no command is given for a predetermined time or more from elapsed time from when an indicator commanded processing as claimed in claims 10 and 12, the claimed invention provides an image processing device and method which allows history data to be reevaluated over time. The prior art does not show, teach or suggest the invention as claimed in claims 10 and 12.

Claims 1-2 and 4-13 were rejected under 35 U.S.C. §102(b) as being anticipated by *Ichimura* (U.S. Patent No. 6,188,831).

*Ichimura* states, at column 13 lines 60-61, a time data storage section 7 outputs a compression trigger timing signal when an elapsed time from a recording start time has reached a predetermined set time in order to start compression of the image data. Thus nothing in *Ichimura* shows, teaches or suggests commanding different types of processing to be executed for the image by an indicator as claimed in claims 1 and 4. Rather, *Ichimura* merely discloses outputting a compression trigger timing signal when an elapsed time from a recording start time has reached a predetermined set time (i.e., nothing in *Ichimura* shows, teaches or suggests different types of processing).

Additionally, *Ichimura* merely states, at column 18 lines 52-55, image data is compressed when the level of importance is low such as when a preset time has elapsed since the data was stored. Nothing in *Ichimura* shows, teaches or suggests setting up rank data based upon the number of times the different types of processing is commanded, as claimed in claims 1 and 4. Rather, *Ichimura* merely discloses compressing image data when a preset time has elapsed since the data was stored.

Also, *Ichimura* merely discloses at column 18 lines 52-55 compressing data when the level of importance is low. Nothing in *Ichimura* shows, teaches or suggests compressing image when directed to delete an image as claimed in claims 1 and 4. Rather, *Ichimura* merely discloses compressing data after a preset time has elapsed and not based upon wherein a deletion direction member directs deletion of an image.

In addition, column 19 lines 17-18 of *Ichimura* merely discloses generating a compression process start request one month after a storage start time. Nothing in *Ichimura* shows, teaches or suggests commanding different types of processing to be executed for an image by an indicator as claimed in claims 5, 8, 10 and 12. Rather, *Ichimura* merely discloses generating a compression process start request one month from the storage start time.

Furthermore, *Ichimura* merely discloses compressing data when the level of importance is low (col. 18, lines 52-55). Nothing in *Ichimura* shows, teaches or suggests setting up rank data according to the number of times different types of processing to be executed for the image is commanded as claimed in claims 5, 8, 10

and 12. Nothing in *Ichimura* shows, teaches or suggests setting up rank data based upon the number of times the different types of processing is commanded.

Also, *Ichimura* merely discloses at column 24, lines 33-38 dynamically changing at least one of the storage time, the compression ratio of intra-frame compression, the compression ratio of inter-frame compression, the time gap of intermittent recording, the color data thinning ratio and the brightness thinning ratio. Nothing in *Ichimura* shows, teaches or suggests changing a compression ratio based upon an elapsed time since the different types of processing were commanded as claimed in claims 5 and 8. Rather, *Ichimura* merely discloses dynamically changing one of a plurality of elements during compression of the image data.

Finally, *Ichimura* merely discloses compressing data based on the level of importance (col. 18, lines 52-55). Nothing in *Ichimura* shows, teaches or suggests setting up a lower rank value based upon no command being given for the image processing for a predetermined time or more as claimed in claims 10 and 12. Rather, *Ichimura* merely discloses compressing data based on the level of importance.

Since nothing in *Ichimura* shows, teaches or suggests the primary features as claimed in claims 1, 4, 5, 8, 10 and 12 as discussed above, Applicants respectfully request the Examiner withdraws the rejection to claims 1, 4, 5, 8, 10 and 12 under 35 U.S.C. §102(b).

Claims 2, 6-7, 9, 11 and 13 depend from claims 1, 5, 8, 10 and 12 and recite additional features. Applicants respectfully submit that claims 2, 6-7, 9, 11 and 13 would not have been anticipated by *Ichimura* within the meaning of 35 U.S.C. §102(b) at least for the reasons as set forth above. Therefore, Applicants

respectfully request the Examiner withdraws the rejection to claims 2, 6-7, 9, 11 and 13 under 35 U.S.C. §102(b).

Thus it now appears that the application is in condition for reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested. Should the Examiner find that the application is not now in condition for allowance, Applicants respectfully request the Examiner enters this Amendment for purposes of appeal.

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicants respectfully petition for an appropriate extension of time. The fees for such extension of time may be charged to our Deposit Account No. 02-4800.

In the event that any additional fees are due with this paper, please charge our Deposit Account No. 02-4800.

Respectfully submitted,

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